

How Complaints Are Handled



Central Complaint Unit

Medical Board of California

*the state agency that
licenses medical doctors,
investigates complaints,
and disciplines those
who violate the law*

OVERVIEW OF THE COMPLAINT REVIEW PROCESS

The Medical Board of California has authority over licensed medical doctors (MDs) in California and has the authority to enforce the provisions of the Medical Practice Act (within the California Business & Professions Code). The Board also handles complaints against certain affiliated healing arts professions: podiatrists, physician assistants, registered dispensing opticians, and psychologists.

Your complaint will be assigned to a Consumer Services Analyst for review. The analyst will gather the information necessary to evaluate your complaint.

Below are the most common types of complaints that are within the Board's jurisdiction, as well as an outline of the normal review process.

■ Quality of Care Questions

When you file a complaint involving medical care and treatment, the Medical Board will obtain copies of all your medical records pertaining to that treatment. If you have not completed the "Authorization for Release of Medical Records" on the back of the Consumer Complaint Form, the analyst handling your complaint will send you one to complete and sign. If you fail to fill out and sign the release form, it will cause unnecessary delay in processing your complaint.

When a completed release form is received, the analyst will request the needed records, as well as a written summary of the care from each of the treating doctors. Once all records and summaries are received, the entire file will be forwarded to one of the Board's medical (MD) consultants for a thorough review. You will be notified by letter when this occurs.

The medical consultant's evaluation will determine whether the complaint warrants further review by one of the Board's investigative offices, or whether the Central Complaint Unit will close the complaint.

If the review determines that the actions of the doctor were not below the acceptable standard of medical care, the Board has no authority to proceed, and the complaint will be closed. If the Board finds that the physician's care fell below the standard of care but does not represent gross negligence, the complaint will be closed and will be maintained on file for the Board's future reference. If a complaint is referred to an investigative office and a violation is confirmed, the case may be submitted to the Office of the Attorney General for a formal charge that may lead to disciplinary action against the doctor's license.



■ Medical Records

If a physician fails to release copies of your

medical records to you upon your written request, he or she may be in violation of the law. If you have difficulty obtaining your records, please call us.

■ Urgent Complaints

Urgent complaints, such as alleged sexual misconduct, illegal or unlawful prescribing, fraud, unlicensed practice of medicine, criminal activity and physician's substance abuse, will usually result in the complaint being forwarded to one of our district offices for investigation. However, if the complaint allegations are not clear, you may be contacted for further information before we decide on referring the case.

■ Injury, Disability, Fitness for Duty Evaluations

Evaluations are often conducted by a physician to determine an individual's medical condition related to an injury, disability, or fitness for duty. These evaluations or examinations involve a physician providing his/her opinion about the individual's condition.

If you are dissatisfied with the results of your evaluation, appeal processes are available through the agency or individual who requested the evaluation. If it appears the evaluation was not conducted within the standard of practice, your complaint can be reviewed by the Medical Board.

The Medical Board has no authority over the following:

- **Chiropractors** *(contact Board of Chiropractic Examiners)*
- **Dentists** *(contact Dental Board)*
- **Ethical Issues*** *(contact local medical society)*
- **Health Maintenance Organizations (HMOs)** *(contact Department of Managed Care)*
- **Hospitals** *(contact Dept. of Health Services)*
- **Insurance Companies** *(contact Department of Insurance)*
- **Malpractice actions/civil lawsuits****
- **Medi-Cal** *(contact Department of Health Services or Department of Justice, Medi-Cal Fraud)*
- **Medicare** *(contact Health Care Finance Administration)*
- **Nurses** *(contact Registered Nursing Board)*
- **Optometrists** *(contact Board of Optometry)*
- **Osteopathic Physicians (DOs)** *(contact Board Of Osteopathic Examiners)*
- **Prices Charged***** *(contact medical society)*

* *Ethical issues* include "bedside manner," attitude, demeanor and office staff.

** *Malpractice cases/civil lawsuits:*
If you are seeking damages and restitution only, you need to seek legal advice. The Medical Board cannot share information or assist with lawsuits.

***Prices charged for medical services actually provided to the patient.

MEDICAL BOARD OF CALIFORNIA

Central Complaint Unit
1426 Howe Avenue, Suite 54
Sacramento, CA 95825

■ To discuss your complaint, call:

1-800-633-2322
or 916-263-2424
Fax: (916) 263-2435

■ To check on a specific doctor, call our Consumer Information Unit:

916-263-2382

■ Or visit our website:

www.medbd.ca.gov

The mission of the Medical Board of California is to protect consumers through proper licensing of physicians and surgeons and certain allied health professions and through the vigorous, objective enforcement of the Medical Practice Act.